UNITED NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/SR.1793
29 October 1999

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-seventh session

SUMMARY RECORD OF THE 1793rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 October 1999, at 10 a.m.

Chairperson: Ms. MEDINA QUIROGA

CONTENTS

GENERAL COMMENTS OF THE COMMITTEE (continued)

Draft general comment on article 3 of the Covenant (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44920 (E)

The meeting was called to order at 10.15 a.m.

GENERAL COMMENTS OF THE COMMITTEE (agenda item 7) (continued)

Draft general comment on article 3 of the Covenant (continued) (CCPR/C/65/R.10).

1. The CHAIRPERSON, invited members to resume their consideration of the draft general comment on article 3 of the Covenant (CCPR/C/65/R.10) paragraph by paragraph.

Paragraph 16

2. Mr. KLEIN suggested that the words "fathers, brothers or husbands" in the second sentence should be replaced by "male family members". In the last sentence, the words "manifestations of" should be inserted between the words "restrictions on" and "religion". While not in disagreement with the ideas underlying the third and fourth sentences, he thought that they were expressed in an excessively abstract manner and were difficult to grasp; some concrete examples of what was meant should be provided.

3. Mr. KRETZMER suggested that the first sentence of the paragraph should be deleted. It went without saying that women should exercise all rights under the Covenant on equal terms with men; he saw no reason for singling out the rights set forth in article 18.

4. Ms. EVATT suggested that the words "granted to" in the first sentence should be replaced by "enjoyed by". Responding to Mr. Klein's suggestion concerning the second sentence, she said that the wording used should be that of the Committee's general comment on article 12, namely, "subject to the control of another person, such as a male relative". As to the last sentence, it should be worded more strongly and brought into line with general comment 22 on article 18. The essential point to be made was that the obligation to protect women's right to equality and non-discrimination should be respected.

5. Lord COLVILLE, while agreeing with that observation, said that the last sentence of the paragraph should also serve as a guide to States parties in the preparation of their reports and should therefore be concerned not only with restrictions that protected women's rights, but also with those which, sheltering behind religious tenets, actually did the opposite.

6. Ms. CHANET, also referring to the last sentence, agreed with the suggestion to insert the words "manifestations of" before "religion". As to the first and second sentences, she remarked that in some societies not only the right of a woman to choose her own religion or belief but also her right to cease to practise a religion was subject to the control of male relatives. She also understood that in certain religions, particularly Islam, women were excluded from certain manifestations of their religion and were forbidden to participate in certain rites. The paragraph could perhaps be redrafted to cover cases where the exercise of a religion was in itself discriminatory. The important point was that religion should not be used as a pretext for

restricting women's rights under the Covenant. She agreed with previous speakers that the last sentence of the paragraph was too abstract and might be difficult to understand.

7. Mr. YALDEN thought that the last sentence would be clearer if the word "protect" was replaced by "affect".

8. Mr. LALLAH said that if the first sentence was dropped, as Mr. Kretzmer had suggested, the reference to article 18 would have to be incorporated in the second sentence, which, in his view, should be amended to show that what was placed under the control of a woman's male relatives was not the whole of her religious practice but only certain aspects of it. If the first sentence was maintained, it would have to be redrafted more carefully; in some religious systems, the right to choose one's own religion was not recognized for either women or men. Like previous speakers, he was perplexed by the third sentence of the paragraph. As to the last sentence, he thought that it should be maintained in slightly modified form, States being requested to inform the Committee of any measures they had taken to ensure equality and non-discrimination for women in the exercise of rights under article 18.

9. Mr. AMOR said that the rights set forth in article 18 were absolute rights which applied equally to women and men. Any individual wishing to change his or her religion or beliefs could do so without authorization from anyone else. In that sense, the sentence relating to restrictions should not be too difficult to formulate. The problem, as he saw it, concerned the status of women within their own religion, which was not a favourable one in all religions. The ban on the ordination of women priests under Roman Catholicism was a case in point; the religion-based prohibition of abortion and contraception in many countries was another. Some religious groups, such as the Mormons in the United States, allowed polygamy, which was clearly a discriminatory practice. Accordingly, the greatest caution was called for in distinguishing between the rights deriving from article 18 of the Covenant and the status imposed on women by their own religion, which sometimes amounted to persecution.

10. Mr. ANDO said that he was prepared to endorse the first sentence as amended by Ms. Evatt. The second and third sentences should be made clearer by means of concrete examples. In some Buddhist sects there were places which only men could enter; that, in his view, was an example of a religious practice which infringed a right under the Covenant, namely, the right to freedom of movement. He endorsed the amendments to the last sentence proposed by Ms. Evatt, Mr. Yalden and Mr. Lallah.

11. Mr. LALLAH wondered whether Mr. Amor, whose comments he had found particularly illuminating, might not be entrusted with preparing a new draft of paragraph 16 that would be more substantial than the present text and would, at the same time, avoid certain pitfalls.

12. The CHAIRPERSON, on behalf of the Committee, requested Mr. Amor to prepare a new draft of paragraph 16 for discussion in plenary.

13. Mr. AMOR agreed.

14. Mr. KRETZMER said he hoped that the new draft would cover the separate issues of freedom of religion, and the effect of religious values on the right of women to equality and non-discrimination.

15. Ms. EVATT thought that the present draft already dealt with both those points, albeit in abbreviated form. A little broadening out might suffice; she saw no need for extensive redrafting.

16. The CHAIRPERSON took the view that a redraft, though not necessarily extensive, was called for in order to take account of all points raised during the discussion. Before referring the paragraph to Mr. Amor, she invited members to decide whether the last part of the last sentence should be amended in accordance with the suggestion made by Mr. Lallah ("inform the Committee of measures they have taken to ensure equality and non-discrimination of women in the exercise of their rights under article 18").

17. Lord COLVILLE supported the amendment. The Committee would benefit from hearing not only about permissible restrictions, but also about those which contravened women's right to equality and non-discrimination.

Paragraph 17

18. Ms. CHANET, referring to the first subparagraph, said she had reservations concerning the minimum age for marriage. The important criterion, for both boys and girls, was that they should have reached the age of maturity, which was not necessarily the same for both sexes. The reference to "free and full consent to marriage" in the second sentence was, in her view, too laconic; in some countries girls were not asked to give their consent at all, marriages being arranged by the parents. Greater emphasis should be placed on the need for the woman to express consent herself. The example given in the third sentence was, in her view, too marginal and should be replaced by another. The whole subparagraph should essentially be oriented towards the notion of consent.

19. Mr. LALLAH, agreeing with Ms. Chanet, said that while the Covenant established the freedom of States parties to determine the reasonable age of marriage, that age was linked to mental and physical maturity. He personally believed that the age should be different for boys and girls. In any event, it was unacceptable that girls aged 12-14 should enjoy freedom of consent.

20. There were those who believed that the religious freedom guaranteed by the Covenant was tantamount to liberty to act according to the dictates of any religion. The Committee had previously ruled that a culture could not be invoked in order to derogate from a Covenant right. The Committee should, however, indicate that freedom of religion must not jeopardize the enjoyment of other rights.

21. Ms. EVATT proposed that the third line of the paragraph should read: "women and the age should be such as to ensure that women are able to give their free and full consent to marriage", and that the term "female children" in the fourth line should be replaced by "young females". She further proposed requesting States parties to report on legislation that allowed consent to be given by a third party, sometimes merely as a formality, but

sometimes legally and formally. In that case, she would agree with Ms. Chanet that the request for information on laws establishing marriage as an extenuating circumstance in rape or sexual abuse could constitute a totally separate point. Moreover, the Committee should firmly signal that such laws might negate the right to give free and full consent, as was indeed their purpose.

22. Mr. AMOR said his principal concern was that the age of marriage should be the age of maturity when free consent was feasible, and below which marriage could be contracted by neither boys nor girls.

23. His second observation concerned both article 23, paragraph 1, and article 18. The former provided for protection of the family by society and the State, which could be ensured through marriage or the dissolution of marriage. In that connection, he cited the case of an Egyptian academic at Cairo University and a specialist in the interpretation of the Koran. His research had been so critical of Islam that not only had he been denied a professorship, but a group of extremists, invoking Islamic law, had pronounced him non-Muslim and, therefore, not entitled to marry a Muslim. Despite the couple's insistence that they were both Muslims and did not want a divorce, the dissolution of the union had been declared by three courts in succession, forcing the couple into exile in order to preserve their marriage.

24. Although the Code of Civil Procedure had later been amended to stipulate that only a person directly involved could initiate divorce proceedings, the Procurator of the Republic was still empowered to dissolve a marriage between a non-Muslim woman and a Muslim man, in flagrant breach of article 23. He proposed that a reference to that situation should be included in the general comment.

25. The CHAIRPERSON suggested that a general comment on article 3 might not be the appropriate place for such a reference.

26. Lord COLVILLE said that while he had doubts about Mr. Amor's last point, it helped illustrate one of his reservations, which were underscored by Mr. Lallah's remarks. A country with a homogeneous population could require that its laws must ensure that all persons consented before they married. Mr. Lallah's reference was to the link between that sort of provision under article 23 and the position of people belonging to minorities, as covered by article 27.

27. As an illustration of the problem confronting minorities, he cited the situation in his own country, which was certainly not unique. Arranged marriages posed a major problem in the United Kingdom, which had a large population originating in south Asia and not all women whose marriages were arranged were sufficiently strong-minded to object. If they did so, however, the legal procedures and judicial powers were perfectly adequate to protect them. Indeed, the British courts had recently issued injunctions against the arranged marriage of girls celebrated in India, and they had been respected by the Indian Government. However, there was no legislation in the United Kingdom that automatically provided such protection. Unless the girl

availed herself of that recourse, she would be married without her consent. Girls who had refused and had instead married someone not chosen by their families had even been murdered by other family members.

28. The Committee should reflect on how a national jurisdiction ensured genuine consent for marriage by persons belonging to minorities. The general comment might request States parties to report on how their laws addressed that type of situation.

29. Mr. SCHEININ said that he could endorse the draft as it stood and leave until the discussion of paragraph 21 the issue of minorities, women and religion, which would require more sensitive treatment, in the light of paragraph 18. He agreed that the age of maturity varied, but women often lived in societies and religions that made them vulnerable and so in need of special protection. He therefore supported Ms. Evatt's first proposal, although he would delete the specific reference to women.

30. The CHAIRPERSON agreed that the subject of minorities should be deferred until discussion of paragraph 21.

31. Mr. SOLARI YRIGOYEN said that the first subparagraph dealt mainly with an equal minimum age of marriage for men and women. However, the idea of equality had been abandoned in the second sentence, which referred to women giving their free and full consent. While it was obvious that they should, he was concerned about the situation of men in certain religions or societies where arranged marriages deprived them too of their free consent. Since it was the civil and political rights of all persons that were under discussion, it should be pointed out that men too should enjoy expression of their full and free consent to marriage. Although he was aware that women were more often the victims of inequality, men were also victims in some societies.

32. With regard to Mr. Scheinin's suggestion that the specific reference to women should be deleted from Ms. Evatt's proposal, he said that while the minimum age of marriage should be the same for both sexes, the Committee on the Rights of the Child employed the term "child" for persons up to the age of 18. The Human Rights Committee should perhaps follow the practice of a United Nations Convention that had been ratified by nearly all countries.

33. Ms. EVATT agreed with Mr. Scheinin that the second sentence should be read so that it did not refer specifically to women, which would also meet the concerns of Mr. Solari Yrigoyen. In any event, the focus should still be on young girls, or young boys if need be. Most importantly, some reference should be made to laws that restricted a woman's right to marry someone of a different religion, a point that had been raised during consideration of the fourth periodic report of Morocco, where Muslim women were prohibited from marrying non-Muslims. Admittedly, both parties were affected if a marriage was proscribed, but the specific purpose of the law was to restrict the right of the woman. It was important that such a reference should be made in either paragraph 17 or 16.

34. Mr. HENKIN said that article 3 dealt with equality as such, while the Committee was dealing in paragraph 17 with freedom of consent in particular, and with equality of consent. It had been generally acknowledged that

maturity, implicit in the notion of freedom of consent, was the desired threshold. He concurred with Ms. Evatt that age, which was not subject to manipulation, was the safest, if not the only gauge of maturity. But even age could be subject to some notion of maturity, and that was the controversial and most difficult part of the Committes's undertaking. The problem with age as the sole measure of maturity was that it involved traditions and stereotypes which were not wholly reliable. He would therefore prefer to start with maturity based on age, and seek some formulation that protected both men and women who had reached the chronological age but were not, in fact, mature enough to refuse marriages they were not consensually in a position to contract. The Committee was moving in the right direction and he looked forward to the final draft.

35. Mr. AMOR, supported Ms. Evatt's position on marriage between a Muslim woman and non-Muslim man, which was not peculiar to Morocco, but affected innumerable young women elsewhere, some of whom lived intolerable lives. It was important that some mention should be made of that phenomenon.

36. Mr. ANDO expressed reservations about setting the same marrigeable age for girls and boys, although he would be more inclined to raise the age for girls to that for boys, rather than reduce the age for boys to that of girls. The important point was freedom of consent of girls who possessed the mental and physical maturity to make such a decision, and no customary law should preclude them from doing so. That was the crucial point of paragraph 17, and girls should not be discriminated against in that regard. If that point was clearly stated, the first subparagraph would have achieved its purpose.

37. The CHAIRPERSON reminded the Committee that it had often declared men and women to be equal.

38. Ms. CHANET said that while that remark had been made by Committee members in their concluding observations, the Committee had said the opposite in its general comment on article 23. The Committee would be well advised not to contradict itself in its various general comments. Its general comment on article 23 had dealt with such problems as forced or arranged marriages, which also affected men. What was currently at issue was the link between articles 3 and 23. It should therefore focus on the problem of obstacles to the free consent of women and girls, when consent was given by their parents or representatives. She agreed by and large with Ms. Evatt's proposed amendment in that regard, but not on an equal age for women and men. Ms. Evatt's proposal could also settle the problem of rape, by requesting countries to explain their legislation covering the rape or sexual abuse of minors, indicating how it affected marriage and whether marriage constituted an extenuating circumstance for the crime of rape.

39. Lord COLVILLE considered the word "allowing" in the fourth line of the English text to be too general. What was at issue was the power to prohibit the marriage of young persons. Such prohibition took many forms, some of them absolutely permissible. Those were matters for the individual State party to explain. While he acknowledged that the ethnic situation properly belonged under article 27, the phrase "power to prohibit" would introduce the whole

question of how people belonging to a certain religious group might wish to deal with the marriage of their children and direct States parties' attention to a range of issues, some of which might be perfectly respectable while others might be deemed objectionable.

40. Mr. ZAKHIA said the problem of age should be handled with caution, since equality was different from identity. For there to be equality, the State must establish a minimum age which, whether or not the same for boys and girls, depended on psychological and physiological considerations. The Committee's logic would seem to require that a single marriageable age should pertain throughout the world. The interpretation of the Covenant which suggested such a solution was erroneous: first, because there was no general agreemeent on the subject, and second, because age was a highly controversial issue. One solution might be to say that the same criteria should be used for determining the age of marriage for men and women.

41. Mr. YALDEN said he had no problem in accepting that the minimum age for marriage should be the same for women as for men. However, for the Committee to make a categorical assertion to that effect in one of its general comments was another matter, and he did not think there was any need to go so far. The essential point was that the persons concerned should be old enough to consent freely and fully to the marriage, and that could be made clear by using the language of article 3, paragraphs 2 and 3, along the following lines: "This implies that the marriageable age for both men and women should be such that they are able to give their free and full consent to the marriage". The Committee should not be put in the position of having to decide for all States parties the very complex social issue of what constituted marriageable age.

42. Mr. KLEIN said he shared Ms. Chanet's concerns. The Committee should clearly state, as a matter of principle, that a minimum age allowing free and full consent to marriage was valid both for men and for women. It could then ask States to report on their rules in that regard, including any differences between men and women which might not be in compliance with the Covenant.

43. The CHAIRPERSON considered that it would be very difficult for a State to make a differentiation in age that would be reasonable and objective. The traditional grounds for making the differentiation had been that women matured earlier, whereas men needed more time to prepare for earning a living, but thinking on the matter had since evolved. The main thrust of the first subparagraph of paragraph 17 should be the concept of full and free consent, and specific examples should be given of situations where such consent was lacking.

44. On the point raised by Lord Colville, she observed that the issue of protection against forced marriages should be distinguished from the issue of protection of minorities.

45. Ms. EVATT recalled that the Committee had already committed itself to the view that marriageable age should be the same for women as for men.

46. Lord COLVILLE, clarifying the suggestion he had made earlier, said he supported the idea that States should review their laws and practices. In

response to the point made by Mr. Solari Yrigoyen, he observed that the example given should not be confined to females or to children as defined under the Convention on the Rights of the Child. It could be that some States would wish to have powers of intervention restricted to a lower age.

47. Powers to prohibit marriage were of two kinds: first, intervention by the judicial authorities, and secondly, intervention by the parents. The paragraph would not need to refer specifically to minorities, although it would be understood to cover parents from minority groups. His suggestion was that the State party should inform the Committee what powers it had in the matter, so that the Committee could then decide whether they were beneficial or objectionable.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

48. The CHAIRPERSON invited comments on the second subparagraph of paragraph 17.

49. Mr. KLEIN said he had difficulty with the second sentence. A marriage could end either by divorce or death: the case of divorce was dealt with in the third subparagraph, but in the case of death inheritance laws would come into play. The text should convey the idea that married women had the right to inherit; the wording "and do not lose ownership when the marriage ends" did not make that sufficiently clear.

50. Mr. LALLAH suggested the formulation "and have equal rights with their husbands to property on the dissolution of the marriage".

51. Mr. KRETZMER pointed out that the end of the first sentence should read "or property in the sole ownership of one of the spouses", instead of "or property in the sole ownership of the woman".

52. Lord COLVILLE said he feared it might be going too far to require that, on the dissolution of a marriage, the whole of the property should be equally divided between the spouses: that was normally a matter for the courts to decide.

53. Mr. AMOR pointed out that where inheritance was concerned, the regime applied in certain countries and regions did not operate in the woman's favour. In Islam, for example, a husband had the right to inherit from his non-Muslim wife, but a non-Muslim wife did not have the right to inherit from her Muslim husband. That situation should be taken into account, perhaps in a separate paragraph.

54. Mr. HENKIN, on the point raised by Mr. Kretzmer, proposed that the end of the first sentence should read "and the ownership or administration of property, whether common property or property solely owned by either spouse".

55. Mr. SCHEININ supported that proposal. Property regimes varied from country to country, and it could not be assumed that they all included the notion of common ownership. He suggested that the second sentence should read

"States should review their legislation to ensure that married women have equal rights in the administration of property and do not lose ownership when the marriage ends".

56. Mr. LALLAH suggested that in order to cover the point raised by Mr. Amor, wording along the lines "without discrimination on the grounds of marriage to a person of a different faith" should be added at the end of the second sentence.

57. The CHAIRPERSON said that, in her view, it would be more appropriate to include that wording in the third sentence of paragraph 16, since it related more to article 18 than to article 23.

58. Lord COLVILLE, referring to Mr. Lallah's earlier proposal, said he thought the formulation "shall have equal rights with their husbands to property on the dissolution of the marriage" was too broad: he would prefer "shall have the opportunity to obtain equal rights on the dissolution of the marriage". The Committee could not insist that in every instance women should be given equal rights to property, whatever the rulings of the court or the wishes of the family might be.

59. The CHAIRPERSON considered that the phrase "the opportunity to obtain equal rights" was inadequate.

60. Mr. LALLAH said he took it that what Lord Colville had had in mind was that some legal systems recognized marriage contracts, freely entered into by both spouses, under which property was not disposed of equally. Since such arrangements would be arrived at by the consent of both parties, he was not sure whether or not they would constitute a violation of the Covenant.

61. Mr. AMOR said that matrimonial regimes varied tremendously among countries, but the paragraph should be worded to highlight those that constituted discrimination between men and women. The Muslim marriage regime, for example, provided for completely separate administration of the property that was in the hands of each spouse before marriage. Property acquired during marriage was, in many systems, administered jointly, but there was also the possibility of separate administration of commonly acquired property. Often the arrangements were consolidated in contracts under civil law and discrimination was the only ground on which they could be challenged. The paragraph should be amended to include references to ways of combating discrimination without jeopardizing the right of both spouses freely to dispose of their property when contracts concerning the property of the spouses were concluded under civil law.

62. The CHAIRPERSON said that everyone appeared to agree on that point, but if Mr. Amor considered that there was a way of wording the point better, she would welcome a specific proposal.

63. Mr. KLEIN pointed out that the third subparagraph dealt with dissolution of marriage. Perhaps equality of rights during the duration of marriage could be covered in the second subparagraph, while the consequences of dissolution, either by death or divorce, and ways of ensuring equal rights in such situations could be addressed in the third subparagraph.

64. Ms. CHANET endorsed the views expressed by Mr. Amor and Mr. Klein. Contract law in different countries varied to such a degree that it was impossible to specify where and how the rights of women were best respected. Some matrimonial regimes, for example, discriminated against the surviving spouse, whether it was a man or a woman. All the Committee could do was to require a State not to discriminate against married women in its contract law and in practice. The second subparagraph should be reworded to concentrate on the rights of the spouses during marriage and to state that spouses should have equal rights in the administration of property acquired in common and that property held separately by either spouse must be administered exclusively by the owner.

65. The CHAIRPERSON observed that the reference to property in the sole ownership of the woman was derived from State party reports. In some countries like Chile, property belonging exclusively to the wife was under the husband's administration.

66. Mr. LALLAH pointed out that residence rights were important because of the length of time often required to obtain nationality. He suggested that a reference to residence rights should be included in the third sentence, following the words "acquisition or loss of nationality", and that the phrase "as stated in general comment 19 of 1990" should be deleted since that general comment did not mention residence rights.

67. It was so decided.

68. The CHAIRPERSON said that with those amendments, and if there was no objection, she would take it that the Committee wished to adopt the proposal to focus in the second subparagraph on the situation during marriage, and in the third subparagraph on the situation after marriage, and to incorporate the following amendments proposed during the discussion: in the first sentence, the words "administration of common property or property in the sole ownership of the woman" would be replaced by "ownership or administration of property, whether common property or property in the sole ownership of either spouse"; in the second sentence, the phrase "share the administration of common property and do not lose ownership when the marriage ends" would be replaced by "have equal rights in the administration of property".

69. It was so decided.

70. The CHAIRPERSON invited members to comment on the third subparagraph of paragraph 17.

71. Ms. EVATT said she took it that the paragraph would address equality of rights upon the dissolution of a marriage, whether by death or divorce, and would include a reference to inheritance as previously discussed. The phrase "the right of visit to children by the non-custodial parent" should be amended to read "the need to maintain contact between children and the non-custodial parent". The phrase "based on equal considerations" should be replaced by "based on considerations which do not discriminate between men and women".

72. Mr. HENKIN said that he endorsed the second amendment proposed by Ms. Evatt.

73. Ms. CHANET said that not only divorce but also repudiation should be covered in the third paragraph. In many countries, both options were available, but repudiation was not comparable to divorce because it comprised the unilateral severance of the marriage bond.

74. The CHAIRPERSON suggested that annulment, too, should be mentioned.

75. Mr. AMOR agreed and said that polygamy should perhaps also be mentioned.

76. Ms. EVATT pointed out that, in the concluding observations mentioned in the footnote to the first sentence, the Committee had already expressed the view that polygamy was a form of discrimination.

77. Lord COLVILLE suggested that the word "divorce", when used for the first time in the first sentence, should be replaced by the phrase "dissolution of marriage".

78. Mr. SOLARI YRIGOYEN requested clarification as to whether the need to guarantee the domicile of children was covered. Press reports frequently described situations when the non-custodial parent took a child to a far-off country with very different customs, laws and religions from those of the child's habitual domicile. That clearly undermined the rights of the custodial parent.

79. The CHAIRPERSON considered that Ms. Evatt's amendment should cover the concern expressed by Mr. Solari Yrigoyen.

80. Subject to drafting amendments to include references to inheritance rights, repudiation and annulment, she suggested that the third subparagraph should be adopted, with the amendments proposed by Ms. Evatt and Lord Colville.

81. It was so decided.

Paragraph 18

82. Mr. ANDO said that in the first sentence the phrase "on equal terms" was far too vague, although the second sentence made it clear what sort of equality was meant.

83. Mr. HENKIN agreed and suggested that the phrase should be replaced by the words "equally for boys and girls".

84. It was so decided.

85. Ms. CHANET, referring to the third sentence, said that the French version of the phrase "Particular care should be exercised to eliminate" was much too weak.

86. The CHAIRPERSON agreed but said it was not simply a problem of the French version; she suggested that the phrase should be replaced by the words "States must eradicate".

87. It was so decided.

88. Mr. AMOR said that, in the French version of the final sentence, the phrase "mutilation génitale des femmes" should be amended to read "mutilation génitale des filles". The phrase "devdasi, kuzariva, ngosi" enumerated certain religious and cultural practices that jeopardized the freedom and well-being of female children, but not all such practices. A more general reference would be preferable.

89. The CHAIRPERSON said that the list was not meant to be exhaustive; explanatory footnotes could be added.

90. Mr. ANDO proposed that, in the third sentence, the words "educational campaigns" should be replaced by "any other appropriate measures".

91. It was so decided.

92. Mr. SOLARI YRIGOYEN said that the Spanish term "obstaculizan" was weak as a translation of the English word "jeopardize". It was particularly inappropriate as a description of the effect on human rights of female genital mutilation, which currently affected 135 million girls throughout the world.

93. Ms. CHANET pointed out that neither in paragraph 7 of the draft, which referred to article 6 of the Covenant, nor in paragraph 18 was there any reference to the killing of girls at birth simply because they were girls. That omission should be rectified.

94. The CHAIRPERSON said that the reference in paragraph 7 to "prenatal sex selection and infanticide" would be expanded.

95. Mr. AMOR said that a sentence or two should be included to cover the African phenomenon whereby women were inherited upon the death of their spouse.

96. The CHAIRPERSON said that would be done. If there was no objection, she would take it that the Committee wished to adopt paragraph 18, as amended.

97. It was so decided.

The meeting rose at 1.05 p.m.